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January 2, 2023

VIA ECF

The Hon. Robert B. Kugler
United States District Judge
USDJ, District of New Jersey
Mitchell H. Cohen Building & U.S.
Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Special Master the Hon. Thomas
Vanaskie
Stevens & Lee
1500 Market Street, East Tower, 18th
Floor
Philadelphia, PA 19103

RE: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*, No. 1:19-md-2875-RBK-SAK (D.N.J.)

Dear Judge Kugler and Judge Vanaskie:

I write on behalf of the Defendants' Executive Committee to provide Defendants' position with respect to the agenda topics for the conference with the Court on January 4, 2023. Defendants do not expect the need to discuss any confidential materials as part of these agenda items, but reserve the right to move to a confidential setting should the need arise.

We are happy to report that there is only one topic on the agenda this week: PFS Deficiencies and Orders to Show Cause.

Cases Addressed at the November 30, 2022 Case Management Conference:

The Court issued 18 show cause orders returnable at the January 4, 2023 Case Management Conference:

1. *Estate of Carl Mirabile v. ZHP, et al* – 22-cv-4254
2. *Rose McCarty v. ZHP, et al* – 22-cv-4164
3. *Bobby Yount v. ZHP, et al* – 22-cv-4155

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4. *Robert Parker v. Hetero, et al* – 22-cv-2419
5. *Estate of Clifford Conley v. Aurobindo, et al* – 22-cv-3323
6. *Estate of Kwoka v. ZHP, et al* – 22-cv-4309
7. *Carrie Collins v. Princeton, et al* – 19-cv-16386
8. *Maritza Hernandez v. XXX, et al* – 22-cv-3288
9. *Zola Owens v. Aurobindo, et al* – 22-cv-4312
10. *Willie Quarles v. Aurobindo Pharma, et al* – 22-cv-3385
11. *Larry Bass v. Hetero Drugs, et al* – 22-cv-4151
12. *Estate of Candace King v. Hetero Drugs, et al* – 22-cv-3856
13. *Robert Bailey v. Mylan Labs, et al* – 22-cv-01518
14. *Thomas Amoia v. Mylan Labs, et al* – 22-cv-02438
15. *Robert Lewis v. Aurobindo, et al* – 22-cv-02524
16. *Brian Thompson v. Aurobindo Pharma, et al* – 22-cv-03438
17. *Renae Bishop v. Mylan Labs, et al* – 22-cv-03441
18. *Mona Clark v. Aurobindo, et al* – 22-cv-03392

The issues in the *Mirabile, McCarty, Yount, Parker, Kwoka, Hernandez, Quarles, Bass, King, Thompson*, and *Clark* matters are resolved, and the show cause orders may be withdrawn.

The issues in the *Owens, Bailey, Amoia, Bishop, Conley*, and *Lewis* matters remain unresolved, but the parties agree to an extension of the show cause orders until the next case management conference.

The issues in the *Collins* matter remains unresolved, and Defendants request its dismissal.

Second Listing Cases – Order to Show Cause Requested:

Pursuant to CMO-16, the Plaintiff Fact Sheets in the below cases are substantially incomplete and contain core deficiencies. Each of these cases were previously listed on the agenda for a prior CMC. This list was provided to Plaintiffs' leadership on December 14, 2022, and a global meet and confer was held on December 16, 2022. Defendants have also been available for further discussion as needed. Accordingly, Defendants request that an Order to Show Cause be entered in each of these cases, returnable at the next case management conference, as to why these cases should not be dismissed.

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Defense counsel will be prepared to address the individual issues with respect to each of these cases, to the extent necessary, during the January 4, 2023 Case Management Conference:

	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Estate of James Willis v. ZHP, et al.	22-cv-05352	Levin Papantonio	Need medical expenses	11/8/2022
2.	Estate of Gale Barber v. ZHP, et al.	22-cv-5051	Levin Papantonio	Need medical expenses	11/8/2022
3.	Mary Ann Knudson v. Aurobindo, et al.	22-cv-4813	Fleming Nolen & Jez	Need medical expense records for all medical expenses listed in III.G.,	10/18/2022
4.	Kenneth Bacque, III v. Zhejiang Huahai Pharmaceutical Co., Ltd et al	22 -cv-04572	Levin Papantonio	Need medical expenses; section IX incomplete	10/20/2022
5.	Diana R. Balay, Personal Representative of Esteban C. Rodriguez, Deceased, v. Aurobindo Pharma Ltd., et al.	22-cv-05040	Fleming, Nolen & Jez, L.L.P	Incomplete medical expenses no pharmacy records showing proof of use for all sartan medications; incomplete PFS see letter for complete listing	11/14/2022

First Listing Cases – Remaining Core Deficiencies:

The following Plaintiff Fact Sheets contain core deficiencies which remain unresolved. This list was provided to Plaintiff leadership on December 14, 2022, and a global meet and confer was held on December 16, 2022. Defendants have also been available for further discussion as needed. This is the first time these cases have been listed on this agenda. Accordingly, Defendants are not requesting orders to show cause with respect to any of the below cases at this time and will continue to meet and confer to resolve these deficiencies.

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	Plaintiff	Civil Action No.	Law Firm	Deficiencies	Deficiency Sent
1.	Thomas Donahue v. CVS, et al.	21-cv-16348	Stark & Stark	<p>II.J – failed to answer computer use follow-up questions</p> <p>III.A – failed to answer when HTN began</p> <p>III.C – failed to provide names of healthcare providers for injuries in this case</p> <p>III.G – need medical expenses</p> <p>VII.A2 – this section is for cancers not allegedly caused by Valsartan, same injury alleged in I.D. Need to clarify.</p> <p>Need undated authorizations</p>	11/30/22
2.	Mark Czajkowski v. ZHP, et al.	22-cv-5582	Fleming Nolen	Need medical expenses; need undated authorizations	11/30/22
3.	Beverly Thomson v. Aurobindo, et al.	22-cv-6111	Stark & Stark	Need pharmacy records; need authorizations; need billing expenses	12/7/22
4.	Robert Casper v. ZHP, et al.	22-cv-5787	Meshbeshier & Spence	Largely deficient PFS; need undated authorizations; need medical expenses	12/5/22
5.	Sheri Barone v. CVS Health, et al.	21-cv-6253	Stark & Stark	Largely deficient PFS, including blank sections IV and VI; need authorizations and signed declaration	11/29/22

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6.	Jacqueline Carter Individually and as Administrator for the Estate of James Carter vs. Mylan Laboratories Ltd., et al.	22-cv- 05561	Hollis Law	No medical expenses; Worker's compensation and disability claim section incomplete; dietary exposure section incomplete	12/5/22
7.	Karlene Smith v. ZHP, et al.	22-cv- 6277	Levin Papantonio	No PFS filed	PFS Due - 12/26/22
8.	E.O. Joseph Kreseski v. ZHP, et al.	22-cv- 6374	Levin Papantonio	No PFS filed	PFS Due - 12/31/22

We look forward to speaking with the Court on Wednesday.

Respectfully Submitted,



Jessica Davidson Miller

cc: All counsel of record (via ECF)